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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,432

02/08/2006

Jean-Francois Fleury

PF030021

6804

24498

7590

08/04/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

08/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,432	FLEURY ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9, 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/20/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to the Application #10539432 filed on 6/20/2005.
Claims 6 – 11 are entered and presented for examination.
Claims 1 – 5 were canceled by Preliminary Amendment filed 6/20/2005.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 6/20/2005 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: with regard to Fig. 1, the reference number 2 and 3 are indicated in the drawing, however, they are not described in the specification. *Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.* Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the

reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: with regard to page 4 of the specification, the subject matters "table 1" in line 7 and "table 3" in line 14 are mentioned, but they are not indicated clearly in the drawings. *Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because the subject matter "Figure 1" is indicated and without substantial meaning in the Abstract. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities:

The acronyms for MACA, MACB, MACC, MACD, ID0, ID1, ID2, and ID3 in the specification should be corrected as MAC A, MAC B, MAC C, MAC D, ID 0, ID 1, ID 2, and ID 3 in consistency with the drawings, Fig. 1 and Fig. 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "the digital bus" in lines 2- 3; "all the nodes of the network" in line 4; "the bus" in lines 5 – 6; "all the nodes" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "a node of the network" in line 2; "the other nodes of the network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "all the node of the network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 11 is rejected under the second paragraph of 35 U.S.C. 112.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. One with ordinary skilled in the art could not distinguish which portion of the claim is preamble and which portion of the claim is the main body. The claim does not define clearly where the preamble, and where the claimed body start and end.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 states "where it is configured to". It is unclear as to what is "it is configured to" referring to; whether it is meant a digital bus communication network or communication device.

Similarly, claim 11 states "in that it is organized". It is also unclear what is "in that and it is organized" referring to; what is "in that" refers to and what is "it is organized" refers to. Clarification is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 7, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grow (4538147).

Regarding **claims 6, 11**, Grow discloses method and communication device for reserving, on at least one node of an Ethernet bus type communication network, a predetermined fraction of the bandwidth of the digital bus during a cycle (Abstract, col. 17, lines 7 – 23); comprising: having a token circulate between all the nodes of the network so as to enable all the nodes of the network to send in turn a data packet over the bus according to a predefined sequence defining a chronological order of passage of the token between all the nodes during a cycle (Abstract, “each station on the loop takes this bandwidth allocation token, adds to it the amount of bandwidthand forwards the allocation token to the next station..”; interpreted as having a token circulate between all the nodes of the network so as to enable all the nodes of the network to send in turn a data packet over the bus; col. 4, lines 47 – 64, “having a bus connected set of stations”; col. 17, lines 7 – 23); and in which the predetermined fraction of the bandwidth reserved for a node of the network corresponds in the sequence to a certain number of occurrences of passage of the token via the node concerned (“takes the bandwidth allocation token, adds to the allocated field

(ALLOCATED) the amount of bandwidth which is currently allocated by that station to Class 1, and forwards the bandwidth allocation token to the next station” ; col. 10, lines 52 – 68, col. 11, lines 1 – 4).

Regarding **claim 7**, Grow discloses method according to claimed in which the occurrences of passage of the token via a node of the network are distributed in the sequence among the occurrences of passage of the token via the other nodes of the network (“information may be transmitted once every write token arrival”; interpreted as which the occurrences of passage of the token via a node of the network are distributed in the sequence; col. 6, lines 33 – 41, 57 – 64).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grow (4538147) in view of Szkopek et al. (5878221).

Regarding **claim 8, 9**, Grow does not disclose method according to claimed in which the chronological order of passage of the token between the nodes of the network is defined by a master node of the network.

Szkopek et al. with the same field of endeavor teach method according to claimed in which the chronological order of passage of the token between the nodes of

the network is defined by a master node of the network (“one node is designed to be the master node”; col. 35, lines 7 – 15, col. 36, lines 5 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grow to include the features method according to claimed in which the chronological order of passage of the token between the nodes of the network is defined by a master node of the network as taught by Szkopek et al. in order to provide apparatus and methods for transmitting digital multi-media signals in asynchronous transfer mode over unshielded twisted pair wiring in a multi-point topology in an improved cost-effective manner (as suggested by Szkopek et al., see col. 1, lines 12 – 15).

Allowable Subject Matter

12. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Poole et al. (US 6714553 B1).

Colmant et al. (5604742).

Shirani et al. (US RE39116E).

Ko et al. (5479407).

Bly et al. (US 7277389 B2).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2619
<7/17/2008>

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/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619